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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,296

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EXAMINER

NGUYEN, MICHELLE P

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/007,296

Applicant(s)

KOLLIAS ET AL.

Examiner

Michelle Nguyen

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to for the following reasons:
  - (a) The disclosure contains embedded hyperlinks and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlinks and/or other form of browser-executable code. See MPEP § 608.01.
  - (b) On Pg. 19, line 13, "camera 10" should be --camera 11--.
2. Claim 12 is objected to for the following reason:
  - (a) Claim 12 recites the limitation "said skin" in line 3. There is insufficient antecedent basis for this limitation in the claim. Applicant may wish to replace "said skin" with --the skin of a person--.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
  4. Claims 2, 4, 6-8, 10, 11, 14, 19 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- Claim 2 recites the limitation "wherein the light entering said camera is not filtered with a polarizing filter prior to such light entering said camera" in lines 1-3. However, claim 1 from which claim 2 depends recites "illuminating said skin with at least one light source, where the light emitted from said light source is filtered using a polarizing filter;

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and capturing the image of said illuminated skin with a camera" in lines 3-7. It is understood from claim 1 that the skin to be imaged is illuminated with light which is filtered using a polarizing filter. It is further understood that the light entering the camera is the filtered light which illuminates the skin and is reflected off the skin to the camera.

Claim 2 contradicts claim 1, and is therefore considered indefinite.

Claims 4, 6, 8 and 11 include all limitations set forth in claim 2.

Claim 7 recites the limitation "such that the electric field of the emitted light is about vertical and the plane formed by said light source, said person's skin, and said camera is about horizontal" in lines 2-5. It is not understood what is meant by the terms "vertical" and "horizontal" because a reference plane is not defined. Therefore, the claim is considered indefinite.

Claim 8 includes all limitations set forth in claim 7.

Claim 14 recites the limitation "wherein the light entering said camera is not filtered with a polarizing filter prior to such light entering said camera" in lines 1-3. However, claim 12 from which claim 14 depends recites "illuminating said skin with at least one light source, where the light emitted from said light source is filtered using a polarizing filter; capturing the image of such illuminated skin with a camera" in lines 3-7. It is understood from claim 12 that the skin to be imaged is illuminated with light which is filtered using a polarizing filter. It is further understood that the light entering the camera is the filtered light which illuminates the skin and is reflected off the skin to the camera. Claim 14 contradicts claim 12, and is therefore considered indefinite.

Claim 19 recites the limitation "such that the electric field of the emitted light is about vertical and the plane formed by said light source, said person's skin, and said camera is about horizontal" in lines 2-5. It is not understood what is meant by the terms "vertical" and "horizontal" because a reference plane is not defined. Therefore, the claim is considered indefinite.

Claim 23 includes all limitations set forth in claim 19.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 5, 7, 9, 10, 12, 13 and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 07-323014 to Kojima et al. (English translation provided).

With regard to claim 1, Kojima et al. disclose a method of photographing the skin (skin S) of a person, the method comprising the steps of:

illuminating the skin S with at least one light source (light source 9), where the light emitted from the light source 9 is filtered using a polarizing filter (polarizing filter 4) (see Pg. 2, lines 20-5, Pg. 5, lines 24-30; Figs. 1, 2); and

capturing the image of the illuminated skin S with a camera (ccd camera 14) (see Pg. 5, line 39 to Pg. 6, line 10; Fig. 1);

wherein the angle formed by the light source 9, the skin S and the ccd camera 14 is from about 35 degrees to about 55 degrees (see Fig. 3).

With regard to claim 3, Kojima et al. teach the polarizing filter 4 as discussed above with respect to claim 1 to be a linear polarizing filter (see Pg. 6, lines 3-36, Fig. 3).

With regard to claim 5, Kojima et al. teach the polarizing filter 4 as discussed above with respect to claim 3 to be arranged such that the electric field of the emitted light is about perpendicular to the plane formed by the light source 9, the person's skin S and the ccd camera 14 (see Figs. 1, 3).

With regard to claim 7 as best understood, Kojima et al. teach the polarizing filter 4 as discussed above with respect to claim 5 to be arranged such that the electric field of the emitted light is about vertical and the plane formed by the light source 9, the person's skin S and the ccd camera 14 is about horizontal (see Figs. 1, 3).

With regard to claim 9, Kojima et al. teach the angle formed by the light source 9, the person's skin S, and the ccd camera 14 as discussed above with respect to claim 1 to be about 45 degrees (see Fig. 3).

With regard to claim 10, Kojima et al. teach the angle formed by the light source 9, the person's skin S, and the ccd camera 14 as discussed above with respect to claim 7 to be about 45 degrees (see Fig. 3).

With regard to claim 12, Kojima et al. disclose a method of promoting a skin care product, the method comprising:

illuminating the skin (skin S) of a person with at least one light source (light source 9), where the light emitted from the light source 9 is filtered using a polarizing filter (polarizing filter 4) (see Pg. 2, lines 20-5, Pg. 5, lines 24-30; Figs. 1, 2);

capturing the image of such illuminated skin S with a camera (ccd camera 14), wherein the angle formed by the light source 9, the skin S and the ccd camera 14 is from about 35 degrees to about 55 degrees (see Pg. 5, line 39 to Pg. 6, line 10; Figs. 1, 3);

presenting (via monitor) the image to the person (see Pg. 2, lines 16-25; It is understood that the person views the image displayed by the monitor); and

suggesting skin care products based upon the person's review of the image (see Pg. 1, lines 14-37, Pg. 3, lines 8-17).

With regard to claim 13, Kojima et al. teach the method as discussed above with respect to claim 12 to further comprise presenting the person with one or more questions relating to the presented image and the suggestion of skin care products is based upon the person's answers to the one or more questions (see Pg. 1, lines 14-37, Pg. 3, lines 8-17; it is understood that the image and an interactive discussion about the image between the person and a skin examiner provide the basis for the skin examiner's suggestions relating to skin care products. It is further understood that the interactive discussion about the image includes questions about, for example, preferences relating to products, posed to the person by the skin examiner and responses to these questions).

With regard to claims 15 and 16, see discussion above with respect to claim 3.

With regard to claims 17 and 18, see discussion above with respect to claim 5.

With regard to claims 19 and 20, see discussion above with respect to claim 7.

With regard to claims 21 and 22, see discussion above with respect to claim 9.

With regard to claims 23 and 24, see discussion above with respect to claim 10.

**Conclusion**

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

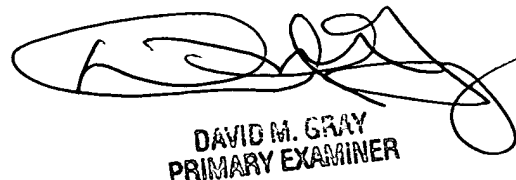
U.S. Patent No. 5,198,875 to Bazin et al.

Japanese Publication No. 07-075629 to Kojima (English translation provided).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Nguyen whose telephone number is 703-305-2771. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



DAVID M. GRAY  
PRIMARY EXAMINER

mpn  
January 7, 2003